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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,935	12/02/2002	Roger Lavalley	P00617-US1	6462
3017	7590	11/03/2004	EXAMINER	
BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE, RI 02903			NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/065,935	Applicant(s) LAVALLEE, ROGER	
	Examiner Phung T Nguyen	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 8 is withdrawn in view of the newly discovered reference(s) to Bruggenolte (US 6,206,219) and Brister (US 6,112,714). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruggenolte (U.S. Pat. 6,206,219) in view of Brister (U.S. Pat. 6,112,714).

Regarding claim 8: Bruggenolte discloses apparatus for monitoring the closed position of a locking gas cap which comprises providing a fuel cap, providing a tank connection pipe having a wall; providing a magnet connected to the fuel cap, providing a magnetic switch connected to the tank connection pipe; snapping the fuel cap into a rest condition, sensing abrupt movement of the magnet relative to the magnetic switch, indicating a tightened fuel cap condition, by sensing an abrupt change in magnetic field strength of the magnet (figures 1 and 2, col. 2, lines 46-62, and col. 3, lines 22-52); and displaying an indication of a tightened fuel cap condition (col. 1, lines 21-25). Bruggenolte does not show providing a circuit with a pickup coil and output, inducing a current pulse in the pickup coil, sensing the current pulse; and providing a

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change in a logic level voltage at the output as claimed. However, the use of coil type is old and known in the art as taught by Brister (col. 7, lines 30-36). Since they both teach a system which monitors the position of a locking gas cap, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the coil type of Brister as an alternative way to monitor the closed position of the locking gas cap of a motor vehicle.

Regarding claim 9: Bruggenolte discloses wherein the magnetic switch is a reed switch 42 (col. 3, lines 22-26).

Regarding claim 10: Bruggenolte discloses wherein the reed switch is a form A, normally open, reed switch (figure 1, col. 1, lines 19-25).

Regarding claim 11: Bruggenolte discloses wherein the magnetic switch is embedded within the wall of the tank connection pipe (col. 3, lines 23-25).

Regarding claim 12: Bruggenolte discloses providing male threading on the fuel cap; providing female threading on an interior surface of the wall of the tank connection pipe that is engageable with the male threading on the fuel cap (col. 2, lines 46-55).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Brister [U.S. Pat. 6,397,791] discloses safety fuel tank and filler cap apparatus.
- b. Duimstra [U.S. Pat. 5,003,275] discloses non-latching relay switch assembly.
- c. Hayden [U.S. Pat. 3,979,705] discloses automotiv erelay of the hold-in type.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968 The

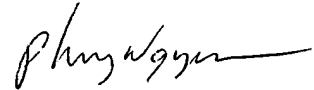
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examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal stroke extending to the right.

Date: October 20, 2004